LCB File No. T009-00

ADOPTED TEMPORARY REGULATION OF THE STATE BOARD OF PHARMACY

(Effective September 21, 2000)

NAC 639.220 Schedule of fees; penalties; applicability. (NRS 639.070, 639.170)

1. The board hereby adopts the following schedule of fees:

For the examination of an applicant for registration as a pharmacist ..... Actual cost of the examination

For the investigation or registration of an applicant as a registered pharmacist..... $~~[100]~~***150***

For the investigation or examination of an applicant as a registered pharmacist by reciprocity 150

For the investigation or issuance of a license to conduct a retail pharmacy ..... ~~[350]~~***425***

For the biennial renewal of a license to conduct a retail pharmacy ..... ~~[350]~~***425***

For the investigation or issuance of a license to conduct an institutional pharmacy 350

For the biennial renewal of a license to conduct an institutional pharmacy 350

For the investigation or issuance of a license to conduct a pharmacy in a correctional institution..... 350

For the biennial renewal of a license to conduct a pharmacy in a correctional institution..... 350

For the issuance of an original or duplicate certificate of registration as a registered pharmacist..... 25

For the biennial renewal of registration as a registered pharmacist..... ~~[100]~~***150***

For the reinstatement of a lapsed registration (in addition to the fees for renewal for the period of lapse) 50

For the investigation or registration of a pharmaceutical technician or pharmaceutical technician in training 40

For the biennial renewal of registration of a pharmaceutical technician or pharmaceutical technician in training..... 40

For the investigation or registration of an intern pharmacist 15

For the biennial renewal of registration as an intern pharmacist 15

For investigation or issuance of a license to a manufacturer or wholesaler..... ~~[350]~~***425***

For the biennial renewal of a license for a manufacturer or wholesaler..... ~~[350]~~***425***

For the reissuance of a license issued to a pharmacy, when no change of ownership is involved, but the license must be reissued because of a change in the information required thereon..... 25

For the biennial renewal of registration issued to a registered pharmacist placed on inactive status 25

For authorization of a practitioner to dispense controlled substances or dangerous drugs, or both..... 300

For the biennial renewal of authorization of a practitioner to dispense controlled substances or dangerous drugs, or both..... 300

Except as otherwise provided in subsection 5, for the collective certification of advanced practitioners of nursing in the employ of

a public or nonprofit agency to dispense controlled substances or dangerous drugs, or both $300

2. The penalty for failure to pay the renewal fee for any license, permit or certificate within the statutory period, as provided in subsection 4 of NRS 639.170, is 50 percent of the renewal fee for each period of delinquency in addition to the renewal fee for each period of delinquency.

3. Any person who has been registered as a pharmacist in this state for at least 50 years is not required to pay the fee for the biennial renewal of a certificate of registration as a registered pharmacist.

4. The provisions of this section concerning the fee for the biennial renewal of the authorization to dispense controlled substances or dangerous drugs do not apply to an advanced practitioner of nursing who is required to pay a fee pursuant to NAC 639.870 or a physician's assistant who is required to pay a fee pursuant to NAC 639.275.

5. A health center:

(a) Which is a federally qualified health center as defined in 42 U.S.C. § 1396d(l)(2)(B), as that section existed on March 1, 2000, that provides health care primarily to medically underserved persons in a community; and

(b) Which is not a medical facility as defined in NRS 449.0151,

is not required to pay the fee for the collective certification of advanced practitioners of nursing in the employ of a public or nonprofit agency as set forth in subsection 1.

[Bd. of Pharmacy, § 639.050, eff. 6-26-80]—(NAC A 6-25-82; 6-16-86; 2-18-88; 4-28-88; 8-10-89; 9-11-91; 10-17-91; 11-15-93; 1-10-94; 7-7-94; 11-9-95; 5-22-96; R155-99, 3-1-2000) *(9/14/00)(10/26/00)*

INFORMATIONAL STATEMENT

September 18, 2000

The informational statement required by NRS 233B.066 numerically conforms to the subsections of the statute as follows:

1. A DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Public comment was solicited through public notices posted in county courthouses and through mailings to interested parties.

There was no public response expressed relative to this proposed regulation.

2. THE NUMBER OF PERSONS WHO: (A) ATTENDED EACH HEARING; (B) TESTIFIED AT EACH HEARING; AND (C) SUBMITTED TO THE AGENCY WRITTEN STATEMENTS.

There was no public response expressed relative to this proposed regulation.

3. A DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Comments were solicited from affected businesses through posting of public notices in the county courthouses, by direct mailings to all interested persons who have requested notices of board of pharmacy meeting agendas and by direct mailings to professional and trade associations.

There was no response from affected businesses relative to this proposed regulation.

4. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The proposed regulation was adopted without change as no testimony was offered.

5. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A) BOTH ADVERSE AND BENEFICIAL EFFECTS.

This regulation should have no economic impact on the public.

This regulation will increase initial fees and renewal fees for pharmacists, wholesalers and pharmacies. Administrative costs necessitate an increase to maintain operational and personnel costs.

B) BOTH IMMEDIATE AND LONG-TERM EFFECTS.

This regulation should have only a minor economic impact on affected businesses and should have no economic impact on the public.

6. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION.

There will be no cost incurred by the board for enforcement of this regulation.

7. A DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATION OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

The Board of Pharmacy is not aware of any similar regulations of other state or government agencies that the proposed regulation overlaps or duplicates.

8. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The Board of Pharmacy is not aware of any similar regulations of the same activity in which the federal regulation is more stringent.

9. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL ANNUAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

The regulation will provide increased fees and renewals of $50 for pharmacists and $75 each for pharmacies and wholesalers. The money will be used toward the licensing and enforcement of the regulation.